



Order Filed on April 20, 2017 by  
Clerk U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
**Caption in Compliance with D.N.J. LBR 9004-2(c)**

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In Re:

Leonard J. Emerle

Case No.: 16-16743

Chapter: 13

Adv. No.: N/A

Hearing Date: 4/25/2017 @ 10:00 a.m.

Judge: JNP

**ORDER TO APPROVE LOAN MODIFICATION WITH SHELLPOINT MORTGAGE  
SERVICING.**

The relief set forth on the following pages, numbered three (3) is hereby ORDERED.

**DATED: April 20, 2017**

A handwritten signature in dark ink, appearing to read "Jerrold N. Poslusny, Jr.", written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.  
United States Bankruptcy Court

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**Debtors:** Leonard J. Emerle

**Case No:** 16-16743 /JNP

**Caption of Order:** Order to Approve Loan Modification of Debtors with Shellpoint Mortgage Servicing.

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Upon consideration of Leonard J. Emerle's application for an order to approve a loan modification with Shellpoint Mortgage Servicing and good cause appearing therefore, it is hereby

**ORDERED** that the Debtors are permitted to proceed with a loan modification Shellpoint Mortgage Servicing.

**IT IS FURTHER ORDERED** Communication and/or negotiations between debtors and mortgagees/mortgage servicers about loan modification shall not be deemed as violation of the automatic stay; and any such communication or negotiation shall not be used by either party against other in any subsequent litigation.

**IT IS FURTHER ORDERED** that in the event a loan modification is completed and pre-petition arrears are capitalized into the loan, secured creditor shall amend the arrearage portion of its proof of claim to reflect the amount already paid by the Chapter 13 Trustee within thirty (30) days of the completion of the loan modification; and

**IT IS FURTHER ORDERED** that the Chapter 13 Trustee shall suspend disbursements to secured creditor pending completion of the loan modification and all money that would otherwise be paid to the secured creditor be held until the claim is withdrawn or amended or the Trustee is notified by secured creditor that the modification was not consummated; and

**IT IS FURTHER ORDERED** that in the event the modification is not consummated; the secured creditor shall notify the Trustee and debtors' attorney of same. Any money that was held by the Trustee pending the completion of the modification shall then be paid to secured creditor; and

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**IT IS FURTHER ORDERED** that in the event the Proof of Claim is withdrawn or amends the arrearage portion the claim to zero (0), the Trustee may disburse funds being held pursuant to this Order to other creditors in accordance with the provisions of the confirmed plan; and

**IT IS FURTHER ORDERED** that Debtors shall file an Amended Schedule J and Modified Plan within fourteen (14) days of this Order.

**IT IS FURTHER ORDERED** that Debtors shall provide the Trustee with an executed copy of the Loan Agreement upon completion.